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| 50488  | 7590          | 02/19/2009           |                     |                  |
| ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP<br>806 SW BROADWAY<br>SUITE 600<br>PORTLAND, OR 97205-3335 |               |                      | EXAMINER            |                  |
|  |               |                      | HSU, RYAN           |                  |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |
|------------------------------|--------------------------------------|-------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/645,476 | <b>Applicant(s)</b><br>WANAT, PETER |
|                              | <b>Examiner</b><br>RYAN HSU          | <b>Art Unit</b><br>3714             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15,18,19,21-32 and 34-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15,18,19,21-32 and 34-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 12/4/08. Claims 1-2, 31, 36-39 and 36-39, and 41 have been amended and claims 43-44 have been newly added. Claims 1-15, 18-19, 21-32 and 34-44 are pending in the current application.

***Allowable Subject Matter***

Claim 31 is allowable once the 112 rejections are overcome.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 31, the prior art of record does not teach or suggest using a “trust-up event includes a player character subjecting itself to a medical examination, in a vicinity of a non-player character”.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15, 18-19, 21-32 and 34-44 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for controllable non-player characters, does not reasonably provide enablement for controlling non-player characters. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to the instant invention commensurate in scope with these claims. The background of the invention in the specification clearly describes that a “non-player characters, [are] commanded by the computer” and player-controlled

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characters are player characters. However, the method is directed towards a method and apparatus that is to control a non-player character which would effectively make the NPC's into player characters.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 10-14, 37, and 39-41 are under 35 U.S.C. 103(a) as being unpatentable by the video game Fall Out 2 as evidenced by "Desslock: "Fall Out 2: game review" and www.nma-fallout.com and Baldurs Gate 2 as evidenced by "Baldurs Gate 2: Shadows of Amn" by Al Giovetti and further in view of the game "The Sims" which was released on January 31, 2000 as evidenced by the screenshots and review found on www.gamespot.com written by Andrew Seyoon Park on February 11, 2000.**

Regarding claims 1, 37, 39, and 41, Fall Out 2 discloses a method and a game program stored on a computer readable medium for controlling a non-player character in a display for a real-time game play interface depicting a game environment that provides a squad of user-commandable characters in the game environment of the real-time game play interface, the squad including a player including a player character and at least one non-player character, the non-player character being commandable via the player

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character (see "Desslock"); detecting a predefined game event (see [www.nma-fallout.com](http://www.nma-fallout.com), 'character system'); and adjusting a current emotional state of the non-player character based on the game event (ie: *different options and items can change the character settings and effect the different emotional traits of the characters*) (see [www.nma-fallout.com](http://www.nma-fallout.com), 'traits', 'npcs', 'skills'). Additionally, Fall Out 2 discloses a method that allows for a selection of a non-player character reaction based on the current emotional state of a non-player character (ie: *different non-player characters can have traits adjusted based on different game events*) (see [www.nma-fallout.com](http://www.nma-fallout.com), 'npcs'). Fall Out 2 also teaches displaying a player character interface that allows the attributes and commandable actions of the different members of a player's squad. Using this GUI the player is capable of changing the inventory or modifying attributes based upon items that are given to the player character (see [www.nma-fallout.com](http://www.nma-fallout.com)). Furthermore, Fall Out 2 discloses an attribute with the character wherein when the emotional state of the non-player character is beyond a predetermined level (ie: *a characteristic or attribute of the player character*) the non-player character reaction is selected from the group consisting of a reaction that inhibits the ability of the non-player character to attack or follow commands of the player character (ie: see 'npc' "sulik" who attacks when he has reached the 'slaver' status see [www.nma-fallout.com](http://www.nma-fallout.com) 'npcs'), a self destructive act, an act of incapacitation (ie: *hit points have been reduced to 'zero' and the non-player character is dead and can no longer move or help*), and a reaction of initiating or cooperating in an attack upon an enemy. However, the prior art of record is silent with respect to specifically teaching a trust state and instead wherein the non-player character reaction

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includes being unable to perform a command from the player character when the trust state of the non-player character is below a predetermined level.

In an analogous rpg game, Giovetti teaches that Baldur's gate 2 there exists a reputation state and non-player characters (npcs) react to the alignment of the player character based on the reputation and conversation choices made. In the examples taught, "too many good choices and the evil players, like Edwin, leave the party forever". This shows that when the emotional state of the non-player characters has reached below a certain threshold the interaction between the player character and the npcs change and therefore you are unable to interact or command them. As such, Baldur's Gate 2 teaches an emotional relationship between the player characters and the npcs where the actions will define a state that can result in the two characters from interacting with one another. One would be motivated to incorporate such a feature in order to create a more realistic approach to the game play. By creating an emotional state within the game, it can simulate the interaction between individual characters and therefore create a more exciting experience for the player that would make the game more realistic. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Baldur's Gate 2 with that of Fall Out 2 to create a emotional trust state in a game to create a more realistic feeling in the game play. However, the emotional states indicators of the Fall Out 2 and Baldur's Gate are a more basic approach towards showing emotion in video games where the player is either friendly or they have fear and are unable to perform operations. Although it is displayed on the status of the state of each character with relation to other players it is not displayed during the game play in the form shown by the applicant's drawings (it is noted that in an

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attempt to make a more thorough explanation, Examiner is finding prior art that shows the type of indicator and user interface that applicant is attempting to claim).

Additionally, Fall Out 2 and Baldur's Gate teaches a feature where if the current emotional state of the a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character. However, Fall Out 2 and Baldur's gate does not implement corresponding command icons to be displayed and then changed to an unselectable state once a predetermined state is reached.

In analogous game, The Sims teaches an interactive simulation gaming experience where the player is asked to interact and control a "Sim" (*see 'screenshots' of Park review*). The Sims teaches various user selectable command icons and various emotional and physical indicators on the screen that deplete and can be replenished over time depending on the mood and activities performed by the "Sim". When the emotional indicators in "The Sims" reach a predetermined level (ie: when the indicators reach a red state the player is unable to select certain options as the Sims will not perform those tasks (*see Park review*). The emotional indicators taught in the Sims are to provide a more realistic feel to the game to mimic human emotions and behavior and provides real-time game play response for the emotional state (*see Park review*). Furthermore, The Sims teaches an emotional state indicator (*ie: a relationship/emotion meter*) that indicates a current emotional state of the non-player character. The system also provides that when an player character is to be commanded one or more user selectable command icons for issuing a command to the player character is used in the real-time game play interface and the game play is suspended when the character interface is displayed. For example,

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if the energy level of the player is almost depleted or the emotional indicator reaches a predetermined level the player will be too depressed to perform any of the commands either because they have poor living conditions or they have not been having any fun. As a result certain options will be masked from the selection menu and the player will not be able to perform certain functions. One would have been motivated to incorporate such features into that of a game in order to allow for a more realistic interaction between the player and the characters of the game at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the emotional indicators of the Sims game with that of Fall Out 2 and Baldur's Gate 2 in order to have the critical relationship interaction of the game be more realistic as well as have a simple visual indicator for the player to read.

Regarding claim 2, Fall Out 2 discloses a method in response to a predetermined command, suspending the real-time game play interface and displaying a squad interface including a plurality of npc panes and a squad command icon configured to receive commands controlling the entire squad (*see "Desselock"*) (*ie: in the squad game of Fall Out 2 a gui interface exists that allows the user to modify and adjust the different options of the different members of the squad*).

Regarding claims 10-14, Falls Out 2 discloses a role playing game that allows a user to incorporate a squad of user-commandable characters and a predefined game event that adjusts a current emotional state of a non-player character based on the game event. Additionally, the game allows a user to select a non-player character reaction based on the current emotional state of the non-player character. Furthermore, Fall Out 2 implements a method that adjusts the characteristic traits of the characters and the non-

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player characters based on possession of weapons or ammunition that can cause an increase or decrease in the respective traits (*see nma, 'basic traits', 'skills', 'karma' and 'npes'*). Fall Out 2 also incorporates medicine to adjust the traits of the player characters and a GUI indicator that present the user with current state of the different attributes and skills (*see nma, 'Character Stats', 'Items'*). However, although Fall Out 2 teaches several different types of emotional traits it fails to teach specifically a "fear state". These special 'traits' or 'states' symbolize different aspects of human behavior and emotion. They are based upon the same principles well known in the gaming arts of where different gaming events will effect these different skills or attributes (*ie: health*) and therefore can increase or decrease these traits in order to mimic attributes of the virtual players. The options available to a programmer are limitless however they are nonetheless the same from a technical perspective. As a result there is no patentable distinction from the weapons affecting strength or health or any other skill state. Therefore it would have been a simple matter of design choice and would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any various types of traits such as a "fear state".

Regarding claim 40, Fall Out 2 and Baldur's Gate 2 and the Sims are games that teach the incorporation of the emotional state of the characters in a game. Specifically, the Sims teaches the display of an emotional state changing icon that includes a rise or fall in an emotional state using a bar meter. Though it does not specifically teach using arrows to indicate the rise and fall of the level it would have been a simple matter of DESIGN CHOICE to one of ordinary skill in the art at the time the invention was made to replace an bar indicator with an arrow indicator as one would expect the two to

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perform the same function of indicating a meter or status of a feature in the game.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of an arrow indicating a rise and fall of an emotional state in light of the game “The Sims”.

**Claims 3-9, 15, 18-19, 21-30, 32, 34-36, 38, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fall Out 2 and Baldur’s Gate 2 and The Sims as applied to claims above, and further in view of Shatterfield’s Eternal Darkness: Sanity’s Requiem Review.**

Regarding claims 3-9, 15 and 19, Fall Out 2 teaches a game that incorporates a squad of player characters and non-player characters where different character traits may be incorporated and selectively altered based upon different game events and items that are used by the different player characters. Furthermore, Fall Out 2 implements a method that adjusts the characteristic traits of the characters and the non-player characters based on possession of weapons or ammunition that can cause an increase or decrease in the respective traits (*see nma, ‘basic traits’, ‘skills’, ‘karma’ and ‘npes’*). Fall Out 2 also incorporates medicine to adjust the traits of the player characters and a GUI indicator that present the user with current state of the different attributes and skills (*see nma, ‘Character Stats’, ‘Items’*). However, although Fall Out 2 teaches several different types of emotional traits it fails to teach specifically a “fear state”. These special ‘traits’ or ‘states’ symbolize different aspects of human behavior and emotion. They are based upon the same principles well known in the gaming arts of where different gaming events will effect these different skills or attributes (*ie: health*) and therefore can increase or decrease these traits in order to mimic attributes of the virtual players. The options

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available to a programmer are limitless however they are nonetheless the same from a technical perspective. As a result there is no patentable distinction from the weapons affecting strength or health or any other skill state.

In arguendo, Giovetti teaches in Baldur's gate 2 there exists a reputation state and non-player characters (npcs) react to the alignment of the player character based on the reputation and conversation choices made. In the examples taught, "too many good choices and the evil players, like Edwin, leave the party forever". This shows that when the emotional state of the non-player characters has reached below a certain threshold the interaction between the player character and the npcs change and therefore you are unable to interact or command them. As such, Baldur's Gate 2 teaches an emotional relationship between the player characters and the npcs where the actions will define a state that can result in the two characters from interacting with one another. One would be motivated to incorporate such a feature in order to create a more realistic approach to the game play. By creating an emotional state within the game, it can simulate the interaction between individual characters and therefore create a more exciting experience for the player that would make the game more realistic. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Baldur's Gate 2 with that of Fall Out 2 to create a emotional trust state in a game to create a more realistic feeling in the game play. Additionally, it would have been a simple matter of design choice and would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any various types of traits such as a "fear state". However, Fall Out 2 and Baldur's gate does not

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implement corresponding command icons to be displayed and then changed to an unselectable state once a predetermined state is reached.

In analogous game, The Sims teaches an interactive simulation gaming experience where the player is asked to interact and control a "Sim". The Sims teaches various user selectable command icons and various emotional and physical indicators on the screen that deplete and can be replenished over time depending on the mood and activities performed by the "Sim" (*see Park review*). When the emotional indicators in "The Sims" reach a predetermined level (ie: when the indicators reach a red state the player is unable to select certain options as the Sims will not perform those tasks (*see 'screenshots' of Park review*). The emotional indicators taught in the Sims are to provide a more realistic feel to the game to mimic human emotions and behavior. For example, if the energy level of the player is almost depleted or the emotional indicator reaches a predetermined level the player will be too depressed to perform any of the commands either because they have poor living conditions or they have not been having any fun. One would have been motivated to incorporate such features into that of a game in order to allow for a more realistic interaction between the player and the characters of the game at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the emotional indicators of the Sims game with that of Fall Out 2 and Baldur's Gate 2 in order to have the critical relationship interaction of the game be more realistic as well as have a simple visual indicator for the player to read.

However, Fall Out 2 and Baldur's Gate 2 and the Sims is silent with regard to how a fear state or emotional trait would be incorporated within a game when a player

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character is within proximity to a fear emitter or the different types of operations that are effected in the game when an emotional state is changed or effected by different game events.

In an analogous role playing game, Shatterfield teaches of a game known as “Eternal Darkness: Sanity’s Requiem”, herein referred to as “ED:SR”. As taught by Shatterfield, Eternal Darkness incorporates a mental state or emotional state of the player character’s that are affected by the events of the game. ED:SR teaches a fear state (*ie: a sanity state*) that adjusts in an increasing or reducing manner based on its proximity to a fear emitter or enemy (*see Shatterfield*). Furthermore, ED:SR implements different responses to commands when the fear state (*ie: sanity state*) reaches a predetermined level (*ie: above a certain threshold state or below a threshold state*) wherein a character reaction may include a self-destructive act or an act of incapacitation (*see Shatterfield*).

Regarding claims 18, 21-30, 35, 43-44, Fall Out 2, Baldur’s Gate 2 and ED:SR implement a method that adjusts the characteristic traits of the characters and the non-player characters based on possession of weapons or ammunition that can cause an increase or decrease in the respective traits (*see nma, ‘basic traits’, ‘skills’, ‘karma’ and ‘npcs’; Shatterfield*). Fall Out 2 also incorporates medicine to adjust the traits of the player characters and a GUI indicator that present the user with current state of the different attributes and skills (*see nma, ‘Character Stats’, ‘Items’ Shatterfield*). However, although Fall Out 2 and ER:SR teach several different types of emotional traits it fails to teach specifically a “truth state”. These special ‘traits’ or ‘states’ symbolize different aspects of human behavior and emotion. They are based upon the same principles well known in the gaming arts of where different gaming events will effect

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these different skills or attributes (*ie: health, sanity state*) and therefore can increase or decrease these traits in order to mimic attributes of the virtual players. Additionally, as mentioned previously the attributes that can be attributed to the state of these traits are mentioned above and incorporated herein. Furthermore, ER:SR allows the state of these emotional states to affect the virtual mental state of the non-player characters and can have adverse effects within the virtual gaming world. The options available to a programmer are limitless however they are nonetheless the same from a technical perspective. As a result there is no patentable distinction from the sanity state or any other skill state. Therefore it would have been a simple matter of design choice and would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any various types of traits such as a “trust state” as opposed to a ‘truth state/fear state’.

Regarding claim 32, Fall Out 2 discloses a method wherein an event includes a player character attacking a monster in a vicinity of a non-player character (*see Desslock*).

Regarding claims 34, 36 and 38, Fall Out 2 discloses a computer game system for emotion-based character interaction, the system comprising a computer game program having a module configured to control movement for a squad of user-commandable characters in the game environment of the real-time game play interface, the squad including a player including a player character and at least one non-player character, the non-player character being commandable via the player character (*see “Desslock”*); detecting a predefined game event (*see [www.nma-fallout.com](http://www.nma-fallout.com), ‘character system’*); and adjusting a current emotional state of the non-player character based on the game event

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(*ie: different options and items can change the character settings and effect the different emotional traits of the characters*) (*see [www.nma-fallout.com](http://www.nma-fallout.com), 'traits', 'npcs', 'skills'*).

Additionally, Fall Out 2 discloses a method that allows for a selection of a non-player character reaction based on the current emotional state of a non-player character (*ie: different non- player characters can have traits adjusted based on different game events*) (*see [www.nma-fallout.com](http://www.nma-fallout.com), 'npcs'*). Fall Out 2 also teaches displaying a player character interface that allows the attributes and commandable actions of the different members of a player's squad. Using this GUI the player is capable of changing the inventory or modifying attributes based upon items that are given to the player character (*see [www.nma-fallout.com](http://www.nma-fallout.com)*). Furthermore, Fall Out 2 discloses an attribute with the character wherein when the emotional state of the non-player character is beyond a predetermined level (*ie: a characteristic or attribute of the player character*) the non-player character reaction is selected from the group consisting of a reaction that inhibits the ability of the non-player character to attack or follow commands of the player character (*ie: see 'npc' "sulik" who attacks when he has reached the 'slaver' status see [www.nma-fallout.com](http://www.nma-fallout.com) 'npcs'*), a self destructive act, an act of incapacitation (*ie: hit points have been reduced to 'zero' and the non-player character is dead and can no longer move or help*), and a reaction of initiating or cooperating in an attack upon an enemy. However, the prior art of record is silent with respect to specifically teaching a trust state and instead wherein the non-player character reaction includes being unable to perform a command from the player character when the trust state of the non-player character is below a predetermined level.

In an analogous rpg game, Giovetti teaches that Baldur's gate 2 there exists a reputation state and non-player characters (npcs) react to the alignment of the player character based on the reputation and conversation choices made. In the examples taught, "too many good choices and the evil players, like Edwin, leave the party forever". This shows that when the emotional state of the non-player characters has reached below a certain threshold the interaction between the player character and the npcs change and therefore you are unable to interact or command them. As such, Baldur's Gate 2 teaches an emotional relationship between the player characters and the npcs where the actions will define a state that can result in the two characters from interacting with one another. One would be motivated to incorporate such a feature in order to create a more realistic approach to the game play. By creating an emotional state within the game, it can simulate the interaction between individual characters and therefore create a more exciting experience for the player that would make the game more realistic. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of Baldur's Gate 2 with that of Fall Out 2 to create a emotional trust state in a game to create a more realistic feeling in the game play. However, the emotional states indicators of the Fall Out 2 and Baldur's Gate are a more basic approach towards showing emotion in video games where the player is either friendly or they have fear and are unable to perform operations. Although it is displayed on the status of the state of each character with relation to other players it is not displayed during the game play in the form shown by the applicant's drawings (it is noted that in an attempt to make a more thorough explanation, Examiner is finding prior art that shows the type of indicator and user interface that applicant is attempting to claim).

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Additionally, Fall Out 2 and Baldur's Gate teaches a feature where if the current emotional state of the a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character. However, Fall Out 2 and Baldur's gate does not implement corresponding command icons to be displayed and then changed to an unselectable state once a predetermined state is reached.

In analogous game, The Sims teaches an interactive simulation gaming experience where the player is asked to interact and control a "Sim" (*see 'screenshots' of Park review*). The Sims teaches various user selectable command icons and various emotional and physical indicators on the screen that deplete and can be replenished over time depending on the mood and activities performed by the "Sim". When the emotional indicators in "The Sims" reach a predetermined level (ie: when the indicators reach a red state the player is unable to select certain options as the Sims will not perform those tasks (*see Park review*)). The emotional indicators taught in the Sims are to provide a more realistic feel to the game to mimic human emotions and behavior and provides real-time game play response for the emotional state (*see Park review*). Furthermore, The Sims teaches an emotional state indicator (*ie: a relationship/emotion meter*) that indicates a current emotional state of the non-player character. The system also provides that when an player character is to be commanded one or more user selectable command icons for issuing a command to the player character is used in the real-time game play interface and the game play is suspended when the character interface is displayed. (*see Park Review and screenshots*) For example, if the energy level of the player is almost depleted or the emotional indicator reaches a predetermined level the player will be too depressed

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to perform any of the commands either because they have poor living conditions or they have not been having any fun. As a result certain options will be masked from the selection menu and the player will not be able to perform certain functions. One would have been motivated to incorporate such features into that of a game in order to allow for a more realistic interaction between the player and the characters of the game at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the emotional indicators of the Sims game with that of Fall Out 2 and Baldur's Gate 2 in order to have the critical relationship interaction of the game be more realistic as well as have a simple visual indicator for the player to read.

However, Fall Out 2 and Baldur's Gate 2 and the Sims are silent with regard to how a fear state or emotional trait would be incorporated within a game when a player character is within proximity to a fear emitter or the different types of operations that are effected in the game when an emotional state is changed or effected by different game events.

In an analogous role playing game, Shatterfield teaches of a game known as "Eternal Darkness: Sanity's Requiem", herein referred to as "ED:SR". As taught by Shatterfield, Eternal Darkness incorporates a mental state or emotional state of the player character's that are affected by the events of the game. ED:SR teaches a fear state (*ie: a sanity state*) that adjusts in an increasing or reducing manner based on its proximity to a fear emitter or enemy (*see Shatterfield*). Furthermore, ED:SR implements different responses to commands when the fear state (*ie: sanity state*) reaches a predetermined

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level (*ie: above a certain threshold state or below a threshold state*) wherein a character reaction may include a self-destructive act or an act of incapacitation (*see Shatterfield*).

***Response to Arguments***

Applicant's arguments filed 12/4/08 have been fully considered but they are not persuasive. The Examiner would first like to argue against the functionality of the applicant's invention. It is unclear what is meant by the terms "player-character" and "non-player character". As specified above the applicant's own specification has meant the definition of non-player character to be a player controlled by the computer that is aligned to aid a player character. A player character is the character in the gaming world that is controlled by the player himself. These definitions are the ones used in the specification and also commonly known in the gaming industry. However, the limitations of the instant claims are for the purported creation of a player controlling a non-player character. Would this not render a non-player character into a player character? And then the invention would be an invention directed towards commanding a plurality of player characters at the same time and that has been accomplished by several role playing games and other squad based games. Furthermore, Applicant's arguments towards the prior art rejection are stated and are addressed below:

**-Fall Out 2 is a primitive interaction between the members of the squad and the deficiencies are not cured by the prior art.**

The term primitive interaction is an subjective opinion placed by the applicant's representative. Eliciting a reaction from through the course of a game from another character is an advanced programming attribute that allows the gaming environment to be enriched by creating more realistic world for a player to interact in. Additionally,

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Baldur's Gate expands upon this premise of emotional state of player characters by grading the responses of the different squad members by having a number of gaming events occur before certain attributes effect the interaction in the game (*ie: good and bad choices by the squad leader*). Additionally, the aspect of leaving a squad prevents certain commands from being performed by the main player character and therefore the emotional response of the player has eliminated the possibility of performing command functions for the player character as required in the instant claim limitations.

**-The Sims fails to cure the aforementioned deficiencies and is not a squad based game.**

The applicant's representative states that 'The Sims' is not a squad based game. The Examiner agrees with this point however it is irrelevant in preventing the reference to be combined with the previous games. As addressed above, the Sims is a game that teaches the control of different player characters in a game. As the definition in the applicant's own specification of the differences between a player character and a non-player character cannot be properly defined the Sims is a proper reference teaching emotional interactions between players using command control icons that can be used to control and convey choices of a player for each of the player characters. Furthermore, the applicant's representative states that "[i]ncorporating emotional indicators and user selectable icons into a real-time game play interface in a squad based game would be cumbersome and impractical due to the large amount of graphical icons which would be displayed." If this is the case then why has the applicant's invention chosen to incorporate a similar type interaction into its own interface. What proper advantage and

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novel invention has the applicant created if it only provides a more "cumbersome and impractical" process to be available to a user?

The remaining arguments have been addressed above in the rejection provided within this office action regarding the claim amendments.

***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached at (571)-272-4437.

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RH

February 16, 2009

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714